



May 2, 2014

Hon. Pamela K. Chen
United States District Judge
United States Courthouse
225 Cadman Plaza East, Room N631
Brooklyn, New York 11201

VIA ELECTRONIC FILING

**Re: *Saeid E. Jalayer, et al v. Josephine Stigliano, as Executrix, et al*
Civil Action No. 10-CV-2285**

Dear Judge Chen:

We are attorneys for plaintiffs. We are writing to respond to the April 29 letter from Mr. Rigano, counsel for the Mrs. Stigliano. Plaintiffs oppose the requested adjournment of the conference with the Court scheduled for May 15, 2014 at 2:00 PM.

This case has been on hold for nearly three years awaiting the Remedial Investigation Report, which has now finally been completed, and accepted by the New York State Department of Environmental Conservation ("NYSDEC"). Under the Brownfield Cleanup Program ("BCP"), our client Mr. Jalayer is required to propose a remedial strategy by submitting a Remedial Alternatives Analysis to NYSDEC by June 2, and a Remedial Investigation Work Plan by July 15.

Mr. Jalayer, our consultant and I discussed the remedial alternatives with the NYSDEC attorney and project manager in an April 16 phone conference. NYSDEC advised us that the current single-family zoning limited our options, and we likely will be required to excavate coal ash (which totals about 12,825 tons) on the site, which contains arsenic concentrations above applicable soil cleanup objectives. While we have not identified any other reasonable alternatives, if we wait to discuss the case until after we make submissions to NYSDEC, it may be too make any meaningful adjustments to the remedial strategy.

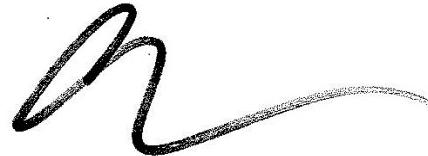
Accordingly, the BCP process is at a critical juncture. If defendants are agreeable to mediation, or if the Court is going to require it, we believe it makes sense to schedule mediation as soon as possible. If not, we would like to have a new case schedule set, so that we can resume prosecution and complete discovery. Our clients are seeking to recover their environmental response costs in order to finance remediation, and the tax credit incentives under the BCP expire if they do not complete remediation and receive a Certificate of Completion by December 31, 2015.

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Thank you for your consideration.

Respectfully submitted,

KNAUF SHAW LLP



ALAN J. KNAUF

pc: J. Michael Showalter, Esq.
Patrick Murphy, Esq.
James Rigano, Esq.
Mr. Saeid E. Jalayer